

CHOATE, HALL & STEWART

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

EXCHANGE PLACE

53 STATE STREET

BOSTON, MASSACHUSETTS 02109-2804

TELEPHONE (617) 248-5000 • FAX (617) 248-4000

WWW.CHOATE.COM



MAIL STOP PATENT APPLICATION
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

Express Mail No.: EV 124824441 US
Attorney Docket No.: 2002147-0018 CIP
Date Filed: July 10, 2003

UTILITY PATENT APPLICATION TRANSMITTAL

(FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 C.F.R. § 1.53(B))

Dear Sir:

Please find enclosed a patent application and papers as follows. Please note that:

**Claim Nos. 8-63 have been copied from U. S. Patent Application Publication No.
2002/0089722 dated July 11, 2002.**

Inventor(s):

Given Name (first and middle) Family Name or Surname Residence (City and State or Foreign Country)

Steven B.	Leeb	Belmont, MA
Roderick T.	Hinman	Natick, MA
Al-Thaddeus	Avestruz	Arlington, MA
E. C.	Lupton	Charlestown, MA
Deron	Jackson	San Jose, CA
George	Hovorka	Rockport, MA

Title of the Invention:

“HYBRID OPTICAL COMMUNICATION NETWORKS”

Via Express Mail Label No. EV 124824441 US
Mailed: JULY 10, 2003
3581970v1

A) APPLICATION ELEMENTS:

- 1) ☐ **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2) ☒ **Applicant Claims Small Entity Status** (see 37 CFR 1.27)
 - a) ☐ Statement Verifying Small Entity Status (optional)
- 3) ☒ **Specification** **TOTAL PAGES: 57**
 - Descriptive Title of the Invention
 - Cross References to Related Applications (if applicable)
 - Statement Regarding Federally Sponsored R & D (if applicable)
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Summary of the Invention
 - Description of the Drawing (if filed)
 - Detailed Description of the Invention
 - Claim(s)
 - Abstract of the Invention
- 4) ☒ **Drawing(s)** (35 U.S.C. § 113) **TOTAL SHEETS: 6**
 - a) ☐ Formal Drawings (if checked)
- 5) ☒ **Oath or Declaration** **TOTAL PAGES: 4**
 - a) ☐ Newly Executed (original or copy)
 - b) ☐ Copy from a prior application (37 C.F.R. § 1.63(d)) for continuation/divisional application
 - i) ☐ DELETION OF INVENTOR(S): Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
 - c) ☒ **Unexecuted**
- 6) ☐ Application Data Sheet. See 37 CFR 1.76.
- 7) ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- 8) ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all are necessary)
 - a) ☐ Computer Readable Form (CRF)

- b) ☐ Specification Sequence Listing on:
- i) ☐ CD-ROM or CR-R (2 copies); or
- ii) ☐ Paper
- c) ☐ Statements verifying identity of above copies

B) ACCOMPANYING APPLICATION PARTS:

- 9) ☐ **Assignment Papers** (cover sheet & document(s))
- 10) ☐ **37 C.F.R. § 3.73(b) Statement** (when there is an assignee)
- 11) ☒ **Power of Attorney**
- 12) ☐ **English Translation Document** (if applicable)
- 13) ☐ **Information Disclosure Statement (IDS)/PTO-1449**
- 14) ☐ **Copies of IDS Citations**
- 15) ☐ **Preliminary Amendment**
- 16) ☒ **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17) ☐ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18) ☐ **OTHER:** Request and Certification Under 35 U.S.C. 1.22(b)(2)(B)(i)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☐ CONTINUATION ☐ DIVISIONAL ☒ CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: 10/161,458 FILED MAY 31, 2002, WHICH IS A CONTINUATION OF THE PRIORITY CLAIMS ON THE ATTACHED SHEET.

EXAMINER: LESLIE C. PASCAL

GROUP/ART UNIT: 2633

FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: The entire disclosure of the prior application, from which an oath or declaration is supplied as detailed above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

D) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

X Applicant claims small entity status 37 CFR 1.27

___ A check is enclosed to cover the filing fees as determined on the fee transmittal enclosed herewith.

Basic Filing Fee: \$375.00

79 Claims

59 Dependent claims in excess of 20 @ \$9.00 = 531.00

12 Independent claims in excess of 3 @ \$42.00 = 504.00

0 Multiple Dep.claims @ \$140.00

Total filing fee amount \$1,410.00

X The commissioner is hereby authorized to charge all filing fees or credit any overpayment to Deposit Acct. No. 03-1721.


E) CORRESPONDENCE ADDRESS:

___ Customer Bar Code Label: _____

X Correspondence Address:

Sam Pasternack, Esq.
Choate, Hall & Stewart
53 State Street
Exchange Place
Boston, MA 02109

Respectfully submitted,



Sam Pasternack

Registration Number: 29,576

CHOATE, HALL & STEWART

53 State Street

Exchange Place

Boston, MA 02109

Phone: (617) 248-5000

Fax: (617) 248-4000

Dated: July 10, 2003

Via Express Mail Label No. EV 124824441 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leeb, et. al. Examiner:
Serial No.: Pending Art Unit:
Filed: July 10, 2003 Atty. Docket No.: 2002147-0018 CIP
Title: "HYBRID OPTICAL COMMUNICATION NETWORKS"

Commissioner for Patents
Mail Stop Patent Application
Alexandria, Virginia 22313-1450

Sir:

REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

Applicant hereby requests that this application not be published. Applicant certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country or under a multilateral international agreement that requires publication of applications eighteen (18) months after filing.

Authorization is given to charge any fees associated with this filing to our Deposit Account No. 093-1721.

Respectfully submitted,



Sam Pasternack
Registration No. 29,576

CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
617/248-5000 Tel.
617/248-4000 Fax.
Dated: July 10, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lupton, et al.

Examiner: Pascal, Leslie C.

Serial No.: 10/161,458

Art Unit: 2633

Filing Date: May 31, 2002

Atty. Docket No.: 2002147-0018

Title: "COMMUNICATION SYSTEM"

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

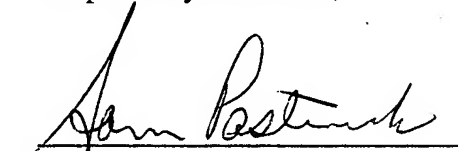
TRANSMITTAL

Enclosed for filing, please find the enclosed documents in the above-referenced patent application:

1. Petition for Extension of Time;
2. Return-receipt postcard.

Please charge any fees required with this application, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,



Sam Pasternack
Registration No.: 29,576

CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
Tel: 617/248-5000
Fax: 617/248-4000
Dated: July 10, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313

on July 10, 2003
Shelton

Date Mailed Via First Class: July 10, 2003

The Patent and Trademark Office stamping
sets forth and receipt date
(or both the receipt date and the Serial Number)
of documents re: a patent application identified as follows:

Applicant(s): Lupton, et al.
Serial No.: 10/161,458
Filed: May 31, 2002
Title: COMMUNICATION SYSTEM
Docket No.: 2002147-0018

1. Transmittal - 1 pg;
2. Return receipt postcard.
3. Petition for Extension of Time.
Att. SP